

**Request for extension of time under 37 C.F.R. §1.136**

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated June 26, 2001 for 1 month(s) from September 26, 2001 to October 26, 2001.

Please charge Deposit Account #02-2666 in the amount of:

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|---------------|---|
| <u>  X  </u>  | (\$110.00 for a one month extension)    |
| <u>      </u> | (\$400.00 for a two month extension)    |
| <u>      </u> | (\$920.00 for a three month extension)  |
| <u>      </u> | (\$1,440.00 for a four month extension) |

to cover the cost of the extension.

**Remarks**

Reexamination and reconsideration of this application, as amended, is requested. Claims 1-21 remain in the application. Claims 7, 9, 12-15 and 17-19 have been amended and claims 22-31 have been added.

Per the Examiner's request, Applicants have included with this response a copy of the drawings from the original issued patent.

Please charge Deposit Account #02-2666 \$432 for the addition of claims 22-31. Although ten (10) claims have been added, Applicants are paying for the addition of three (3) independent claim and a total of ten (10) claims in excess of twenty (20).

**Allowed Claims**

Applicants would like to gratefully acknowledge the Examiner's indication that claims 1-6 are allowable. The Office Action indicated that these claims were allowable because the prior art does not teach all the limitations of the independent claims in combination with other elements. "Specifically, prior art does not teach a system and method for an operating system monitoring the

application mix executing in a processor and determining a required frequency and a minimum voltage at which the processor core can operate the required frequency." Applicants agree with this statement.

However, Applicants would like to kindly point out that although the Office Action goes on to highlight other aspects of an embodiment of Applicants' invention, the scope of Applicant's invention is not limited to these.

Applicants have provided comments to address the rejection of the remaining claims to place the entire application into condition for allowance.

#### **Support for Amendments**

As indicated above, claims 12-15 and 17-19 have been amended and claims 22-27 have been added. Support for claims 22-31 may be found in the original issued patent at least by Applicant's FIG. 1 and in the related text at column 3, lines 1-5.

Claims 7 and 9 have been amended to remove unnecessary limitations, and thus, these claims are now broader. Claims 12-15 and 17-19 have been amended to recite an application mix which appears frequently in the original application. This amendment does not narrow the scope of claims 12-15 or 17-19 and claims 7 and 9 are broader, and thus, the amended claims are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kabushiki Co., Ltd. a/ka/ SMC Corporation and SMC Pneumatics, Inc.*,

Applicants respectfully submit that no new matter has been added.

#### **Objection to the Oath/Declaration**

It was stated in the Office Action that the oath/declaration was incomplete because it did not contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the

oath/declaration arose without any deceptive intention on the part of the applicant. A supplemental oath/declaration will be submitted under separate cover that will change the sentence:

"The errors arose in the prosecution of the original application which resulted in the issuance of the patent."

To:

"All errors arose in the prosecution of the original application which resulted in the issuance of the patent."

#### **Objection to Application based upon ownership**

It was stated in the Office Action that the reissue application was objected to under 37 CFR §1.172(a) for failure to establish ownership interest in the patent for which reissue is being requested. However, the above-identified patent assigned to Intel Corporation was recorded 02/12/1996 as found on reel 7862 and frame 0492. In accordance with 37 CFR 3.73 and MPRP §1410.01, the undersigned avers he is authorized to act on behalf of the assignee.

#### **Response to the 35 U.S.C. §112 Rejection**

The Office Action rejects claims 12-21 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. However, as indicated above, claims 12-21 have been amended to recite application mix which Applicants believe to be synonymous with instruction mix, but which is frequently used in the original specification. Thus, Applicants believe this rejection has been obviated.

#### **Response to the 35 U.S.C. §102(b) Rejection**

The Office Action rejects claims 12-19 under 35 U.S.C. §102(b) as being anticipated by Beard (US 5,627,412). Applicants respectfully traverse this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a *prima facie* case.

Applicants begin with claim 12. Claim 12 specifically recites:

"A method comprising:

determining an application mix of a processor;

determining a frequency at which the processor may operate given the application mix; and

determining a voltage potential level corresponding to the frequency; and

providing at least a portion of a processor with the frequency and voltage potential level."

It is respectfully asserted that, as one example, Beard fails to meet either expressly or inherently determining a voltage potential corresponding to the frequency.

According to the Office Action, Beard teaches how to determine a voltage potential level corresponding to the frequency at column 3, line 25, through column 4, line 23. However, Applicants respectfully submit that the relied upon portion of Beard does not teach that the voltage potential is determined or changed depending on the frequency.

At most, the relied upon portion of Beard teaches that both voltage and frequency may be changed by selecting one of several voltage/frequency combinations. However, the Office Action has failed to show how Beard

teaches or suggest that a voltage potential level is determined corresponding to the frequency that a processor may operate on given an application mix.

Since Beard does not teach or suggest at least this aspect of what is recited in claim 12, Beard cannot anticipate Applicants' claim 12. Since claim 13 depends from claim 12, the rejection of this claim is improper as well.

Rejection of claims 14-19

With respect to claims 14 and 17, Applicants would like to point out that claims 14 and 17 recite, among other things, adjusting the voltage potential level based on the application mix executed by a processor. According to the Office Action, Beard teaches this feature at column 4, lines 1-23. However, the relied upon portion of Beard does not anticipate Applicant's claim 14 because, for example, Beard does not teach or suggest adjusting the operational mode of a CPU by monitoring of an application mix from what may be one or more applications being executed by the CPU.

Beard teaches that an electronic device may have multiple operational modes (e.g. a start-up mode, normal operation, etc.). (see column 2, lines 3-31) However, the devices taught by Beard do not make changes to voltage or frequency based on the demand provided by one or more applications running on a process (see column 3, lines 31-42) because Beard does not teach or suggest any mechanism that monitors the impact on the performance of a processor that may occur with the execution of one or more applications.

Since Beard is devoid of any teaching or suggestion of at least one feature of claims 14 and 17, Beard cannot anticipate claims 14 and 17. Since claims 15-16 and 18-19 depend from claims 14 and 17, respectively the rejection of these claims is improper as well.

**Response to the 35 U.S.C. §103 Rejection**

The Office Action also rejects claims 7-11, 20 and 21 under 35 U.S.C. §103 as being unpatentable over Beard (US 5,627,412). Applicants respectfully traverse this rejection in view of the remarks that follow.

It is well established that obviousness requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Applicants respectfully submit that Beard does not meet the requirements to establish an obvious rejection in that Beard neither teaches nor suggests a voltage regulator adapted to provide at least two voltage potentials.

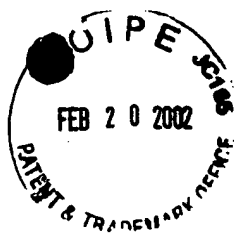
Applicant would like to point out that the Office Action did not provide any explanation of how Beard anticipates the voltage regulator recited in claim 7. In fact the portion of the Office Action that discusses the rejection of claim 7 doesn't even use the term "voltage regulator." Thus, at a minimum, the rejection of claim 7 is improper because the Office Action has failed to establish a prima facie showing of obvious because the Office Action has failed to show how Beard teaches or suggests every element of claim 7.

In addition, Applicants would like to kindly point out that Beard can't make this feature obvious because Beard does not teach the use of a voltage regulator. Instead, Beard explicitly teaches the use of three separate voltage converters (i.e. converters 12, 14, and 16) that each provide **only one voltage potential** (see column 3, lines 16-17). Consequently, Beard does not teach a voltage regulator that is able to provide at least two voltage potential levels.

Applicants would also like to point out the claim 7 cannot be obvious because Beard does not teach or suggest that the voltage regulator that is adapted to provide a voltage potential level that is adjusted depending on the operational load of a processor.

Since the Office Action has failed to establish a prima facie showing of every element of claim 7, and because Beard cannot teach or suggest every

element of the claim 7, Applicants respectfully submit that the rejection of claim 7 is improper. Since claims 8-11 depend from claim 7, the rejection of these claims is improper as well. Further, claims 20-21 depend from claim 17 and are believed allowable over the relied upon reference for at least the same reasons as discussed above.



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PATENT APPLICATION

042390.

Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed June 26, 2001 and it is submitted that claims 1-31 are in condition for allowance. Reconsideration of the rejection is requested.

Should it be determined that an additional fee is due under 37 CFR §§1.1 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

Horden et al.

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